

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA	)	
ex rel. BRIAN WALL,	)	
	)	
Plaintiff,	)	No. 3-07-0091
	)	CHIEF JUDGE HAYNES
v.	)	
	)	
CIRCLE C CONSTRUCTION, LLC,	)	
	)	
Defendant.	)	

**PLAINTIFF UNITED STATES' MOTION  
ASKING THE COURT TO SCHEDULE A DAMAGES HEARING**

The United States respectfully asks this Court to set a damages hearing in this case. On October 1, 2012, the Court of Appeals for the Sixth Circuit entered an order that affirmed this Court's grant of summary judgment to the United States on its False Claims Act claim, but reversed this Court's damages award and remanded the case "for a recalculation of damages." *United States ex rel. Wall v. Circle C Construction, LLC*, 697 F.3d 345, 359 (6<sup>th</sup> Cir. 2012). On November 26, 2012, the mandate issued. (Doc. No. 140).

Within approximately the next 14 days, the United States expects to serve supplemental initial disclosures on Circle C with information that the United States may present at the damages hearing in order to provide the more precise level of detail discussed by the Court of Appeals. *See Circle C*, 697 F.3d at 359. The additional information is limited in nature and consistent with the evidence that the United States has previously produced in discovery.

Accordingly, the United States asks this Court to set a damages hearing in the near future. Doing so will help "secure the just, speedy, and inexpensive determination" of this action." Fed. R. Civ. P. 1.

Respectfully submitted,

JERRY E. MARTIN  
United States Attorney

By: s/ Ellen Bowden McIntyre  
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**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was sent by United States mail, electronic delivery, and/or other proper means of service, to **Perry Craft** and **Matthew Wright**, 214 Centerview Drive, Suite 233, Brentwood, TN 37027; **James Sewell Higgins** and **Jonathan Allen Street**, 116 Third Avenue South, Nashville, TN 37201; **Timothy W. Burrow**, Burrow & Cravens, P.C., 1700 Hayes Street, Suite 202, Nashville, TN 37203, this 3<sup>rd</sup> day of April, 2013.

s/ Ellen Bowden McIntyre  
ELLEN BOWDEN MCINTYRE